

Attachment A -  
Setback Variance Application



Rowan County Planning  
Department  
402 North Main Street  
Salisbury, NC 28144  
Phone (704) 638-3101  
Fax (704) 638-3130  
Web <http://www.co.rowan.nc.us>

Case # ZBA-2-10  
Date Filed \_\_\_\_\_  
Received By \_\_\_\_\_  
Amount Paid \_\_\_\_\_  
Office Use Only

**SETBACK VARIANCE APPLICATION**

**OWNERSHIP INFORMATION:**

Name: Joseph H. McDowell II  
Signature: [Signature]  
Home Address: 420 Deer Lake Run, Salisbury NC 28146  
Contact Information: SAME - 704-639-4842 (cell)

**APPLICANT/AGENT INFORMATION:**

Name: SAME AS OWNER  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
Contact Information: \_\_\_\_\_

Variance requested on property located at: \_\_\_\_\_

Tax Parcel: 614 088 Zoning District: R-S

**TO THE ROWAN COUNTY ZONING BOARD OF ADJUSTMENT:**

I, Joseph McDowell hereby petition the Board of Adjustment for a **VARIANCE** from the **SETBACK REQUIREMENTS** of the Rowan County Zoning Ordinance because, under the interpretation given to me by the Zoning Administrator, I am prohibited from using the parcel of land described above in a manner shown by the Plot Plan attached to this form. I request a variance from the following provisions of the Ordinance (cite Section numbers and Code requirements):

Required setback identified Article IV, Dimensional criteria, Section 21-84 table of dimensional requirements, Accessory structure setback. Request 50% reduction from required 10' side yard setback.

### FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Board of Adjustment may grant a variance if it concludes that strict enforcement of this ordinance would result in practical difficulties or unnecessary hardships for the applicant. The Zoning Board of Adjustment, in granting, shall ensure that the spirit of this ordinance is maintained, public welfare and safety ensured, and substantial justice done. In the following spaces, indicate the facts and argument you plan to render, in order to convince the Board, to properly determine that their conclusions or findings of fact are applicable.

- a) The requested variance is the minimum necessary to allow the proposed use of the property:

Building is a boat house on concrete boat ramp.  
Request variance to use boat house on that ramp.  
Cannot shift to the west due to septic system.

- b) The reduction of the setback is no more than 50% of the required setback for the lot:

Can shift boat house 3' to the west to obtain.  
5' setback. Will still be usable as boathouse.

- c) The resulting setback is no less than five (5) feet along any property line or right-of-way:

Property was surveyed. Based on survey,  
boat house will need to be moved.

- d) The deviations are necessitated by the size and shape of the conforming lot:

Due to location of boat ramp, proximity  
to the lake, & location of septic system.

- e) The proposed development will not have significant adverse effects on the surrounding properties  
or

health and safety of the general public:

Boat house won't  
obstruct the view of nearest neighbor at  
430 Deer Lake Run as that owner has large  
Cypress trees on property line.

I certify that all the information presented by me in this application is accurate to the best of my  
knowledge information and belief.

West side of boat house cannot be  
moved. East side can be moved to  
allow 5' setback by reducing width  
of boathouse.

  
Signature

4-20-10  
Date

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**OFFICIAL USE ONLY**

1. Further information needed: \_\_\_\_\_
2. Scheduled for Board of Adjustment consideration: Date: 5/11/2010 Time: 5:30 PM  
Place: 130 W. INNES (COHEN ROOM)
3. Signature of coordinator: \_\_\_\_\_

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**PROCESS RECORD**

1. Public Hearing Date: 5/11/2010
2. Dates Advertised: 1<sup>st</sup> 5/1 2<sup>nd</sup> 5/8
3. Adj. Owners Notification: 4/29
4. Property Posted: 4/29
5. BOA Action: Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_
6. Date applicant notified: \_\_\_\_\_